



**ENVIRONMENTAL DEFENDERS IN DANGER:
THE SITUATION IN MEXICO AND CENTRAL AMERICAN
IN THE CONTEXT OF INDUSTRIAL MINING**

Executive Summary

October, 2010

The Center for International Environmental Law (CIEL) has prepared this report as a contribution to the thematic hearing of the Inter-American Commission on Human Rights on the *Situation of Environmentalists in Mesoamerica*. The hearing was requested by 15 non-governmental organizations¹ from throughout the region to call attention to the increasing incidence of human rights abuse against environmental defenders in Mexico and Central America.

To address the disturbing trend of violence against environmental defenders, this report makes four recommendations:

- (1) States must strengthen the institutional mechanisms to protect environmental defenders;**
- (2) States must reinforce the legal regimes governing the environmental and social impacts of the mining sector;**
- (3) States must recognize and implement the right of mining-affected communities to free, prior, and informed consent;**
- (4) Both individual States and the international community must recognize the responsibility of home countries for the harms caused by the foreign operations of their mining companies and take measures to meet that responsibility.**

Environmental defenders are those who seek to protect the environment and defend the rights of victims of environmental degradation. The term is not limited to persons formally affiliated with “environmental” organizations. Rather, it encompasses many thousands of individuals struggling to protect themselves, their families and their communities from the impacts of a degraded environment on their lives, health, livelihoods, resources, natural and cultural heritage, and fundamental rights.

¹ CIEL, Asamblea Departamental de Huehuetenango en Defensa de los Recursos Naturales Renovables y no Renovables (ADH), Asociación de Organismos No Gubernamentales (ASONOG), Asociación Interamericana para la Defensa del Ambiente (AIDA), Centro de Incidencia Ambiental (CIAM), Centro Mexicano de Derecho Ambiental (CEMDA), Comité en Solidaridad con el Pueblo de El Salvador (CISPES), Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA), Frente de Defensa Miguelense (FREDEMI), Fundación para el Debido Proceso Legal (DPLF), Movimiento de Jóvenes Mayas (MOJOMAYAS), Mesa Nacional frente la Minería Metálica, Red Mexicana de Afectados por la Minería, sección Chiapas and Waqib Kej.



This report focuses on the plight of environmental defenders in the context of the mining sector. In recent years, the high price of gold and other precious metals on international markets has spurred

increased foreign investment in mining projects in México, Central America, and elsewhere in the Americas. The potential social and environmental costs of these projects are high, generally externalized, and borne disproportionately by families and communities living nearby. Mining poses substantial environmental risks, including contamination of water, air, and soil, reduced access to water, and noise pollution. This environmental degradation, in turn, causes serious impacts on the health and well-being of communities and ecosystems. It also carries serious social risks, including government corruption, violence, and forced displacement of communities. From this perspective, mining that results in social conflict and environmental contamination does not contribute to development.

The case studies herein demonstrate the substantial personal risks facing those who confront the environmental, social and human rights impacts of mining. They document how those who speak out against mining often become the targets of threats and violence, including destruction of private property, forced displacement, death threats, arbitrary detention, kidnapping and even assassination. They also provide evidence of violations carried out with tacit acceptance of States. The case studies, drawn from México, Guatemala, El Salvador, Honduras, and Panamá, demonstrate these abuses are not limited to a single mining company or to a single country. To the contrary, the case studies reflect a growing trend throughout the region toward repression and violence against those who protest mines and mining impacts.

The increased trend in violence against environmental defenders results from two underlying causes. First, it results from the failure of States to properly manage the environmental impacts of mining projects. In addition to its direct and often severe impacts on the human rights of adjacent communities, this failure creates the conditions of conflict that precipitate violence.

Second, it results from the failure of the State to fully protect the human rights of environmental defenders in a manner consistent with its international human rights obligations. This includes permitting high levels of impunity for those people and companies committing the human rights violations. Importantly, this problem of impunity is not limited to host countries. Rather, there is a corresponding failure on the part of companies' home countries, frequently Canada and the United States, to enact (and enforce) effective legislation to prevent and punish human rights violations that result from their companies' operations abroad.

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